

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

February 22, 2019

The Honorable Sarah Netburn, U.S. Magistrate Judge  
United States District Court for the S.D.N.Y.  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

Plaintiffs write in response to Mr. Kellogg's February 21 letter.

Plaintiffs subpoenaed records concerning Fahad al Thumairy, Omar Bayoumi and the 19 9/11 hijackers from the Department of State. The State Department required that Plaintiffs obtain §1202(f)(1) certification from this Court and submit papers that specified the factual basis for such certification. Plaintiffs engaged in negotiations with the Department of Justice (which were put on hold during the government shutdown) to meet the State Department's specific requirements. We received approval of the letter to the Court and proposed order from the Department of Justice on February 20, and filed our letter the same day.

We wrote to Mr. Kellogg to reconfirm our understanding that Saudi Arabia did not object to §1202(f)(1) certification and filed our application as a letter-motion. We did not seek Saudi Arabia's consent to the fact statement that the Department of State required, nor did we suggest that the Kingdom endorsed the facts as we set them out in the statement. The underlying facts are obviously disputed by the Kingdom. Just as we did not need Kingdom permission to file our fact statement in connection with the §1202(f)(1) certification, we do not believe that Saudi Arabia needs permission to file a response to our letter-motion, and in any event we have no

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objection to such a response. The bottom line, as Saudi Arabia confirms in its February 21 letter, is that the Kingdom has no objection to certification.

Saudi Arabia is incorrect in claiming that Plaintiffs' letter quoted an under seal document that Fahad al-Thumairy was an "Administrative Officer" at the Kingdom's Los Angeles Consulate. That Thumairy was a Kingdom Administrative Officer has been widely and publicly discussed, as any internet search reveals. It is a matter of public record, and is in a public 2002 FBI Report previously filed by Plaintiffs in this litigation. Plaintiffs' Opposition to KSA's Motion to Dismiss, Ashton Exh. 5 at 4; CAC Exh. 35 at 4. Plaintiffs' letter did cite to Plaintiffs' Motion to Compel (which remains under seal), since it is currently before the Court, but we could have also cited to Plaintiffs' prior public filings, which also included this job title.

Respectfully submitted,

COZEN O'CONNOR

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MDL 1570 Plaintiffs' Exec. Committee  
for Commercial Claims

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MDL 1570 Plaintiffs' Exec. Committee  
for Personal Injury and Death Claims

MOTLEY RICE

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MDL 1570 Plaintiffs' Exec. Committee  
for Personal Injury and Death Claims

Enclosure

cc: The Honorable George B. Daniels, via ECF  
All Counsel of Record via ECF